



- 1 -

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: : Before the Examiner:  
Edward A. Hubbard : Yves Dalencourt

Serial No.: 09/834,785 : Group Art Unit: 2157

Filed: April 13, 2001 :

Title: SOFTWARE BASED NETWORK : United Devices, Inc.  
ATTACHED STORAGE HOSTED ON : 12675 Research, Bldg A  
MASSIVELY DISTRIBUTED : Austin, Texas 78759  
COMPUTING NETWORKS :

Mail Stop Appeal Brief-Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF****I. REAL PARTY-IN-INTEREST**

The real party in interest is United Devices, Inc. who is the assignee of the entire right and interest in the present Application.

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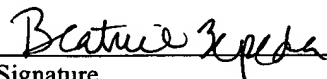
**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, Alexandria, VA 22313-1450, on September 22, 2005.

09/27/2005 BABRAHA1 00000083 09834785

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Beatrice Zepeda  
(Printed name of person certifying)

## II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellants, the Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## III. STATUS OF CLAIMS

Claims 29-54 are pending in the Application. Claims 29-54 stand rejected.

## IV. STATUS OF AMENDMENTS

No after Final amendments have been made.

## V. SUMMARY OF THE INVENTION

In one embodiment a method providing network (FIG. 21, element 102) attached storage (NAS) services comprises four steps.

In step 1, a distributed processing system (FIG. 21, element 2100) is configured by coupling a multiplicity of distributed devices (FIG. 21, devices in element 2104) using a network (FIG. 21, element 102), wherein each of the distributed devices is enabled by a client agent program (operating in devices in element 2104) to process first workloads for the distributed processing system (FIG. 21, element 2100).

In step 2, the client agent program is configured to have a software-based NAS component to assess unused or under-utilized storage resources in selected distributed devices (NAS client devices 108A-108C) from the multiplicity distributed devices (FIG. 21, element 2104).

In step 3, a representation by the software-based NAS component is generated that the selected distributed devices are each NAS devices having an available

amount of storage resources selected from the unused and under-utilized storage resources (identified from step 3).

In step 4, data storage and access workloads are processed for the distributed processing system by accessing data from or storing data into portions of the available amounts of storage resources of the selected distributed devices (FIG. 21, NAS client devices 108A-108C) to provide the NAS services to client devices (FIG. 21, user devices 152A-152C) coupled to the network (FIG. 21, element 102).

## VI. ISSUES

1. Claims 29-38 and Claims 42-51 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,601,101 to *Lee et al.* hereafter (*Lee*).

2. Claims 39-41 and 52-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee*.

## VII. ARGUMENT

1. Claims 29-38 and Claims 42-51 are not properly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,601,101 to *Lee et al.* hereafter (*Lee*).

**Claims 29-30 and 42-43.** Claim 29 is directed to a method providing network attached storage (NAS) services comprising four steps. In step 1, a distributed processing system is configured by coupling a multiplicity of distributed devices using a network, wherein each of the distributed devices is enabled by a client agent program to process first workloads for the distributed processing system. In step 2, the client agent program is configured to have a software-based NAS component to assess unused or under-utilized storage resources in selected distributed devices from the multiplicity distributed devices. In step 3, a representation by the software-based NAS component is generated that the selected distributed devices are each NAS

devices having an available amount of storage resources selected from the unused and under-utilized storage resources. In step 4, data storage and access workloads are processed for the distributed processing system by accessing data from or storing data into portions of the available amounts of storage resources of the selected distributed devices to provide the NAS services to client devices coupled to the network.

The Applicant respectfully asserts that the Examiner, in his belief that Lee teaches the second step of the present invention, failed to see that the present invention recites the step "configuring the client agent program to have a software-based (NAS) component and to assess unused or under-utilized resources in the selected distributed devices." The Examiner stated that Lee teaches "configuring the client agent program to have a software-based (NAS) component and to access unused or under-utilized resources in the selected distributed devices." The present invention recites assessing (evaluate, judge, appraise) and not accessing (right of entry, admission). The present invention and the Examiner's assertion are clearly different. Therefore, the Examiner is relying upon an incorrect factual predicate in making his rejection. *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1455 (Fed. Cir. 1998).

The present invention is directed to configuring distributed devices coupled to a network (enabled by a client agent program to process workloads for the distributed processing system) and then configuring the client agent program to assess under or unutilized storage resources in the selected distributed devices from the distributed devices. Lee teaches the configuration of a network using dedicated NAS devices wherein access to the networked NAS devices is transparent to a user (the user does not need to know where his data is stored). The present invention configures a representation of NAS devices using distributed devices wherein the client agent assesses what unused storage resources are available in the selected distributed devices. Lee does not teach or suggest step 2) of the present invention.

Since Lee does not teach or suggest step 2) of the present invention, then Lee does not disclose every aspect of the present invention as required. Therefore, the

Applicant asserts that the Examiner has failed to make a *prima facie* case of anticipation. Therefore, the Applicant respectfully asserts the rejection of Claim 29 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments.

Claim 30 depends from Claim 29 and contains all the limitations of Claim 29. The Examiner rejected Claims 30 using the same reasoning relative to Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 30 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 29.

Claim 42 is an apparatus claim implementing the method steps of Claim 29. The Examiner rejected Claim 42 for the same reasons as Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 42 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 29.

Claim 43 is dependent from Claim 42 and contains all the limitations as Claim 42. Claim 43 adds the same limitations to Claim 43 as Claim 30 adds to Claim 29. The Examiner rejected Claim 43 for the same reasons as Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 43 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 42 and Claim 29.

**Claims 31 and 44.** Claim 31 is dependent from Claim 29 and contains all the limitations as Claim 29. Claim 31 adds the limitation that at least one of the selected distributed devices is enabled by the client agent program to function as a location distributed device to store location information for data stored by the selected distributed devices. The Applicant has shown that *Lee* does not teach or suggest the invention of Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 31 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 29.

Claim 44 is dependent from Claim 42 and contains all the limitations as Claim 42. Claim 44 adds the limitation that at least one of the selected distributed devices is enabled by the client agent program to function as a location distributed device to store location information for data stored by the selected distributed devices. The Applicant has shown that Lee does not teach or suggest the invention of Claim 42. Therefore, the Applicant respectfully asserts the rejection of Claim 44 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 42 and Claim 29.

**Claims 32 and 45.** Claim 32 is dependent from Claim 31 and contains all the limitations as Claim 31. Claim 32 adds the step of enabling the location distributed device to receive data storage and access requests from the client devices coupled to the network and to direct the client devices to the selected distributed devices storing the requested data. The Applicant has shown that Lee does not teach or suggest the invention of Claim 31. Therefore, the Applicant respectfully asserts the rejection of Claim 32 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 31 and Claim 29.

Claim 45 is dependent from Claim 44 and contains all the limitations as Claim 44. Claim 45 adds the limitation that the location distributed device is enabled to receive data storage and access requests from the client devices coupled to the network and to direct the client devices to the selected distributed devices storing the requested data. The Applicant has shown that Lee does not teach or suggest the invention of Claim 44. Therefore, the Applicant respectfully asserts the rejection of Claim 45 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 44 and Claim 29.

**Claims 33 and 46.** Claim 33 is dependent from Claim 32 and contains all the limitations as Claim 32. Claim 33 adds the step of managing the NAS services at least in part utilizing at least one centralized server system. The Applicant has shown that Lee does not teach or suggest the invention of Claim 32. Therefore, the

Applicant respectfully asserts the rejection of Claim 33 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 32 and Claim 29.

Claim 46 is dependent from Claim 45 and contains all the limitations as Claim 45. Claim 46 adds the limitation that the NAS services are managed at least in part utilizing at least one centralized server system. The Applicant has shown that *Lee* does not teach or suggest the invention of Claim 45. Therefore, the Applicant respectfully asserts the rejection of Claim 46 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 45 and Claim 29.

**Claims 34 and 47.** Claim 34 is dependent from Claim 33 and contains all the limitations as Claim 33. Claim 34 adds limitation that the centralized server system downloads the NAS component to the client agent programs in the distributed devices. The Applicant has shown that *Lee* does not teach or suggest the invention of Claim 33. Therefore, the Applicant respectfully asserts the rejection of Claim 34 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 33 and Claim 29.

Claim 47 is dependent from Claim 46 and contains all the limitations as Claim 46. Claim 47 adds the limitation that the centralized server system downloads the NAS component to the client agent programs in the distributed devices. The Applicant has shown that *Lee* does not teach or suggest the invention of Claim 46. Therefore, the Applicant respectfully asserts the rejection of Claim 47 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 46 and Claim 29.

**Claims 35 and 48.** Claim 35 is dependent from Claim 33 and contains all the limitations as Claim 33. Claim 35 adds limitation that the centralized server system stores location information for data stored in the selected distributed devices and at least in part directs the client devices to the distributed devices storing the requested

data. The Applicant has shown that Lee does not teach or suggest the invention of Claim 33. Therefore, the Applicant respectfully asserts the rejection of Claim 35 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 33 and Claim 29.

Claim 48 is dependent from Claim 46 and contains all the limitations as Claim 46. Claim 48 adds the limitation that the centralized server system stores location information for data stored in the selected distributed devices and at least in part directs the client devices to the distributed devices storing the requested data. The Applicant has shown that Lee does not teach or suggest the invention of Claim 46. Therefore, the Applicant respectfully asserts the rejection of Claim 48 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 46 and Claim 29.

**Claims 36 and 49.** Claim 36 is dependent from Claim 35 and contains all the limitations as Claim 35. Claim 36 adds the step of utilizing the centralized server system to receive data storage and access requests from the client devices and to route data storage and access workloads to the selected distributed devices based in part upon individual capabilities of the selected distributed devices, wherein the individual capabilities are stored in a capabilities database coupled to the centralized server system. The Applicant has shown that Lee does not teach or suggest the invention of Claim 35. Therefore, the Applicant respectfully asserts the rejection of Claim 36 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 35 and Claim 29.

Claim 49 is dependent from Claim 48 and contains all the limitations as Claim 48. Claim 49 adds the limitation that the centralized server system is utilized to receive data storage and access requests from the client devices and to route data storage and access workloads to the selected distributed devices based in part upon individual capabilities of the selected distributed devices, wherein the individual capabilities are stored in a capabilities database coupled to the centralized server



system. The Applicant has shown that Lee does not teach or suggest the invention of Claim 48. Therefore, the Applicant respectfully asserts the rejection of Claim 49 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 48 and Claim 29.

**Claims 37 and 50.** Claim 37 is dependent from Claim 29 and contains all the limitations as Claim 29. Claim 37 adds the limitation that the network is the Internet. The Applicant has shown that Lee does not teach or suggest the invention of Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 37 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 29.

Claim 50 is dependent from Claim 42 and contains all the limitations as Claim 42. Claim 50 adds the limitation that the network is the Internet. The Applicant has shown that Lee does not teach or suggest the invention of Claim 42. Therefore, the Applicant respectfully asserts the rejection of Claim 50 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 42 and Claim 29.

**Claims 38 and 51.** Claim 38 is dependent from Claim 29 and contains all the limitations as Claim 29. Claim 38 adds the step of managing storage resources for the selected distributed devices using a storage priority control that facilitates full use of the available amounts of storage resources. The Applicant has shown that Lee does not teach or suggest the invention of Claim 29. Therefore, the Applicant respectfully asserts the rejection of Claim 38 under 35 U.S.C. §102(e) as being anticipated by Lee is traversed by the above arguments and for the same reasons as Claim 29.

Claim 51 is dependent from Claim 42 and contains all the limitations as Claim 42. Claim 51 adds the limitation that the storage resources are managed for the selected distributed devices using a storage priority control that facilitates full use of the available amounts of storage resources. The Applicant has shown that Lee does not teach or suggest the invention of Claim 42. Therefore, the Applicant respectfully

asserts the rejection of Claim 51 under 35 U.S.C. §102(e) as being anticipated by *Lee* is traversed by the above arguments and for the same reasons as Claim 42 and Claim 29.

2. Claims 39-41 and 52-54 are not properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee*.

The Examiner states that *Lee* teaches all the limitations of Claims 38 and 51. The Applicant asserts that *Lee* fails to teach the step of "configuring the client agent program to have a software-based NAS component to assess unused or under-utilized storage resources in selected distributed devices from the multiplicity distributed devices." in independent Claim 29. Thus, the Examiner failed to show that *Lee* teaches or suggests this step and thus fails to make a *prima facie* case of obviousness for Claim 38 that depends from Claim 29. The Examiner states that *Lee* fails to explicitly teach the method including the limitation of Claims 39, 40 and 41. However, the Examiner takes "official notice" that the limitations of Claims 39, 40, and 41 are old and well known in the art without giving any support for this "official notice." Regardless of the "official notice", the Applicant asserts that the Examiner's failure to make a *prima facie* case of obviousness for Claim 38 that depends from Claim 29 renders the "official notice" moot.

However, the Applicant reminds the Examiner that "official notice" without documentary evidence to support the Examiner's conclusion is permissible only in some circumstances. See MPEP 2144.03. Official notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known. Assertion of technical facts in areas of esoteric technology or an assertion of specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-421. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979). The Applicant

asserts that the cited limitations of Claims 39, 40, and 41 do not qualify as knowledge that is capable of instant and unquestionable demonstration as required by MPEP 2144.03.

The Examiner rejected Claims 52-54 on the same reasons as Claims 39-41. Therefore the Applicant asserts that the rejections of Claims 39-41 and Claims 52-54 under 35 U.S.C. § 103(a) as being unpatentable over *Lee* are traversed by the above arguments.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

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APPENDIX

1       29. A method providing network attached storage (NAS) services comprising:

2               configuring a distributed processing system by coupling a multiplicity of  
3       distributed devices using a network, wherein each of the distributed devices is enabled by  
4       a client agent program to process workloads for the distributed processing system;

5               configuring the client agent program to have a software-based NAS component to  
6       assess unused or under-utilized storage resources in selected distributed devices from the  
7       multiplicity distributed devices;

8               generating a representation by the software-based NAS component that the  
9       selected distributed devices are each NAS devices having an available amount of storage  
10      resources selected from the unused and under-utilized storage resources; and

11              processing data storage and access workloads for the distributed processing  
12      system by accessing data from or storing data into portions of the available amount of  
13      storage resources of the selected distributed devices to provide the NAS services to client  
14      devices coupled to the network.

1       30. The method of claim 29, wherein the client agent program enables at least one of the  
2       selected distributed devices to operate as a stand-alone dedicated NAS device.

1       31. The method of claim 29, wherein the client agent program enables at least one of the  
2       selected distributed devices to function as a location distributed device to store location  
3       information for data stored by the selected distributed devices.

1       32. The method of claim 31, further comprising enabling the location distributed device  
2       to receive data storage and access requests from the client devices coupled to the network  
3       and to direct the client devices to the selected distributed devices storing the requested  
4       data.

1 33. The method of claim 32, further comprising managing the NAS services at least in  
2 part utilizing at least one centralized server system.

1 34. The method of claim 33, wherein the centralized server system downloads the NAS  
2 component to the client agent programs in the distributed devices.

1 35. The method of claim 33, wherein the centralized server system stores location  
2 information for data stored in the selected distributed devices and at least in part directs  
3 the client devices to the distributed devices storing the requested data.

1 36. The method of claim 35, further comprising utilizing the centralized server system to  
2 receive data storage and access requests from the client devices and to route data storage  
3 and access workloads to the selected distributed devices based in part upon individual  
4 capabilities of the selected distributed devices, wherein the individual capabilities are  
5 stored in a capabilities database coupled to the centralized server system.

1 37. The method of claim 29, wherein the network is the Internet.

1 38. The method of claim 29, further comprising managing storage resources for the  
2 selected distributed devices using a storage priority control that facilitates full use of the  
3 available amounts of storage resources.

1 39. The method of claim 38, wherein the storage priority control comprises a parameter  
2 selectable through one of the client devices.

1 40. The method of claim 39, wherein the storage priority control comprises storage  
2 priority level schemes that prioritize data storage and deletion.

1 41. The method of claim 39, wherein the storage priority control comprises a priority  
2 marking directly given to data or files.

1 42. A system for providing network attached storage (NAS) services comprising:

2 a distributed processing system configured by coupling a multiplicity of  
3 distributed devices using a network, wherein each of the multiplicity distributed devices  
4 are enabled by a client agent program to process workloads for the distributed processing  
5 system; and

6 a software-based NAS component operating within each of the client agent  
7 programs, wherein the software-based NAS component assesses unused storage resources  
8 of the multiplicity distributed devices, allocates an available amount of unused storage  
9 resources in selected distributed devices from the multiplicity distributed devices,  
10 generates a representation that the selected distributed devices are each NAS devices  
11 having the available amount of storage resources, and processes data storage and access  
12 workloads in the selected distributed devices—for the distributed processing system by  
13 accessing data from and storing data into portions of each of the available amounts of  
14 unused storage resources in the selected distributed devices to provide the NAS services  
15 to client devices coupled to the network.

1 43. The system of claim 42, wherein the client agent program enables at least one of the  
2 selected distributed devices to operate as a stand-alone dedicated NAS devices.

1 44. The system of claim 42, wherein the client agent program enables at least one of the  
2 selected distributed devices to function as a location distributed device to store location  
3 information for data stored by the selected distributed devices.

1 45. The system of claim 44, further comprising enabling the location distributed device  
2 to receive data storage and access requests from the client devices coupled to the network  
3 and to direct the client devices to the selected distributed devices storing the requested  
4 data.

1 46. The system of claim 45, further comprising managing the NAS services at least in  
2 part utilizing at least one centralized server system.

1 47. The system of claim 46, wherein the centralized server system downloads the NAS  
2 component to the client agent programs in the distributed devices.

1 48. The system of claim 46, wherein the centralized server system stores location  
2 information for data stored in the selected distributed devices and at least in part directs  
3 the client devices to the distributed devices storing the requested data.

1 49. The system of claim 48, further comprising utilizing the centralized server system to  
2 receive data storage and access requests from the client devices and to route data storage  
3 and access workloads to the selected distributed devices based in part upon individual  
4 capabilities of the selected distributed devices, wherein the individual capabilities are  
5 stored in a capabilities database coupled to the centralized server system.

1 50. The system of claim 42, wherein the network is the Internet.

1 51. The system of claim 42, further comprising managing storage resources for the  
2 selected distributed devices using a storage priority control that facilitates full use of the  
3 available amounts of storage resources.

1 52. The system of claim 51, wherein the storage priority control comprises a parameter  
2 selectable through one of the client devices.

1 53. The system of claim 52, wherein the storage priority control comprises storage  
2 priority level schemes that prioritize data storage and deletion.

1 54. The system of claim 52, wherein the storage priority control comprises a priority  
2 marking directly given to data or files.



AFW JFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/834,785	
	Filing Date	April 13, 2001	
	First Named Inventor	Edward A. Hubbard	
	Art Unit	2157	
	Examiner Name	Yves Dalencouart	
Total Number of Pages in This Submission	17	Attorney Docket Number	40988-P001P9

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(1) Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	(2) Check in the amount of \$250.00
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm Name	Winstead Sechrest & Minick P.C.	
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Date	September 22, 2005	Reg. No. 36,571

CERTIFICATE OF TRANSMISSION/MAILING		
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Signature		
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PTO/SB/17 (11-04)

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# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**250.00****Complete if Known**

Application Number	09/834,785
Filing Date	April 13, 2001
First Named Inventor	Edward A. Hubbard
Examiner Name	Yves Dalencourt
Art Unit	2157
Attorney Docket No.	40988-P001P9

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ NoneDeposit  
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Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid(\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

Subtotal (1) \$

**FEE CALCULATION** (continued)**2. EXTRA CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	50	25
Each independent claim over 3	200	100
Multiple dependent claims	360	180
For Reissues, each claim over 20 and more than in the original patent	50	25
For Reissues, each independent claim more than in the original patent	200	100

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =  
HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =  
HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims Fee (\$) Fee Paid (\$)

Subtotal (2) \$

**3. OTHER FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid(\$)
1-month extension of time	120	60	
2-month extension of time	450	225	
3-month extension of time	1,020	510	
4-month extension of time	1,590	795	
5-month extension of time	2,160	1,080	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	500	250	
Filing a brief in support of appeal	500	250	250
Request for oral hearing	1,000	500	
Other:			

Subtotal (3) \$ 250

**SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent)

36.571

Telephone 512.370.2851

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Kelly K. Korzick

Date September 22, 2005

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